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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JENI RIEGER, ALOHA DAVIS, JODIE CHAPMAN,  
CARRIE VASSEL, KAREN BURNAUGH, TOM  
GARDEN, ADA AND ANGELI GOZON, HERNAN A.  
GONZALEZ, PATRICIA A. HENSLEY, CLYDIENE  
FRANCIS, PETER and GUNNEL LOWEGARD, and  
GRANT BRADLEY, individually and on behalf of a class  
of similarly situated individuals,

Plaintiffs,

vs.

VOLKSWAGEN GROUP OF AMERICA, INC., a New  
Jersey corporation, d/b/a AUDI OF AMERICA, INC.,  
AUDI AG, a German corporation, and VOLKSWAGEN  
AG, a German corporation,

Defendants.

Case No. 1:21-cv-10546 (NLH)(MJS)

Motion Date: February 22, 2022

**ELECTRONICALLY FILED**

**ORAL ARGUMENT REQUESTED**

**DEFENDANT VOLKSWAGEN GROUP OF  
AMERICA, INC.'S NOTICE OF MOTION TO  
DISMISS THE CONSOLIDATED CLASS ACTION COMPLAINT**

**PLEASE TAKE NOTICE** that pursuant to Local Rule 7.1, Defendant Volkswagen Group of America, Inc. shall move this Court before the Hon. Noel L. Hillman, U.S.D.J., on February 22, 2022 (or on such other date as the Court shall schedule), at the United States District Court, District of New Jersey, Mitchell H. Cohen Building & U.S. Courthouse, Courtroom 3A, Fourth and Cooper

Streets, Camden, New Jersey 08101, for an Order dismissing Plaintiffs' Consolidated Class Action Complaint pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), and 9(b).

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, Defendant shall rely upon the accompanying Memorandum of Law, the Consolidated Class Action Complaint, the Declaration of Frank J. Pritzl and exhibits attached thereto, other documents filed in the case, and upon such other matters as may be presented to the Court at the time of the hearing. A proposed Order is also submitted herewith.

Pursuant to the approved briefing schedule (Dkt. No. 49), Plaintiffs' response to this Motion must be filed by January 14, 2022, and Defendant's Reply must be filed by February 4, 2022. The filing of this motion and the hearing date are pursuant to the Order setting the briefing schedule (Dkt. No. 49) and the District of New Jersey's motion calendar.

December 3, 2021

**HERZFELD & RUBIN, LLC**

By: /s/ Homer B. Ramsey  
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